

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984) MB Docket No. 05-
311
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

COMMENTS OF Metuchen Access Television

These Comments are filed by Metuchen Access Television in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, Metuchen Access Television believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

Metuchen, New Jersey is a municipality with a population of 12,000. Our franchised cable provider(s) is/are Cablevision. Our community has negotiated cable franchises since 1994.

Our Current Franchise

Our current franchise began on July 6, 2005 and expires on July 6, 2015.

Our franchise requires the cable operator to pay a franchise fee to the municipality in the amount of 2% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have 0 channels (or capacity) devoted to public access; 0 channels (or capacity) devoted to educational access; and 1 channels (or capacity) devoted to government access.

Our franchise requires that our PEG channels be supported in the following ways by the cable operator: Cablevision provides a one time grant of \$10,000.00 as part of the franchise agreement.

PEG Access Services

Metuchen Access Television has provided access services in our community for 12 years. The number of access channels we operate is 1. In our most recently completed fiscal year, Metuchen Access Television provided 205 hours of new original local programming to the cable subscribers. The community used our equipment and facility 82 times for 400 hours of use. Below are the highlights of our services to the community.

- Video bulletin board with text and graphics for community announcements. 1240 announcements serving 64 organizations in 2005 which reflects an increase in use of 4% over last year and 66% over the last 10 years.
- Coverage of community planning forums, town hall meetings, and neighborhood board meetings.
- Staff-produced television programming on topics of interest to the local community.
- Free viewing of cable service at selected public sites.
- Local news coverage (not on local broadcast stations).
- Video production courses.
- Video production facilities including studio, field, editing, and, if available, remote van.
- Support to Media Training Centers in local schools, enhancing learning opportunities for students.
- Technical design, installation, and maintenance support.

- Local political coverage, candidate platform statements and candidate debates during campaign season.
- Gavel-to-gavel coverage of educational governance proceedings.
- Gavel-to-gavel coverage of local government meetings/hearings and other select "local" governmental proceedings.
- Election night coverage.

Competitive Cable Systems

Our community has never been approached by a competitive provider to provide service.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Metuchen, N.J.. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The [*Name of PEG Access Organization*] therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of “Community Reinvestment” through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community’s property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

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